

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES CONNOR,

Petitioner,

v.

STEVE SINCLAIR,

Respondent.

CASE NO. C13-5622 RBL-JRC

ORDER DENYING APPOINTMENT  
OF COUNSEL

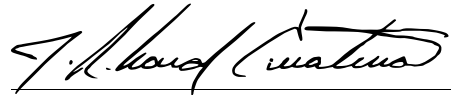
The District Court has referred this petition for a writ of habeas corpus to United States Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner seeks relief from a state conviction, thus, the petition is filed pursuant to 28 U.S.C. § 2254.

Petitioner asks the Court to appoint counsel to represent him (ECF No. 8). The Court has not ordered service of the petition and no evidentiary hearing is scheduled. Petitioner does not have a constitutional right to have counsel appointed in cases brought under 28 U.S.C. § 2254 unless an evidentiary hearing is required. This is because the action is civil, not criminal, in nature. *Brown v. Vasquez*, 952 F.2d 1164, 1168 (9th Cir. 1991) (citing *McCleskey v. Zant*, 499

1 U.S. 467, 495 (1991)); *see Ortiz v. Stewart*, 149 F.3d 923, 939 (9th Cir. 1998) (“There is simply  
2 no constitutional right to an attorney in a state post-conviction proceeding”); *see also Terrovona*  
3 *v. Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988); and Rule 8(c) of the Rules Governing Section  
4 2254 Cases in the United States District Courts.

5 Petitioner has failed to demonstrate that he is entitled to counsel and the motion is denied.

6 Dated this 17<sup>th</sup> day of September, 2013.

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8 J. Richard Creatura  
9 United States Magistrate Judge  
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